

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Art Unit:	2617
William J. Domino, et al.	Examiner:	Mehrpour, Naghmeh
Application No. 09/621,407	Confirmation No.	4082
Filing Date:	July 21, 2000	

For: **SYSTEM AND APPARATUS FOR A DIRECT CONVERSION RECEIVER
AND TRANSMITTER**

Mail Stop: Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Smith Frohwein Tempel
Greenlee Blaha LLC
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Sir:

This is a Response to the final Office Action mailed on November 30, 2007, and further to the telephone conference between the Examiner and Applicants' undersigned representative on January 28, 2007. The Office Action indicates that it is responsive to the Appeal Brief filed August 27, 2007. In the telephone conference, Applicants' representative requested that the appeal be reinstated, and this Response is pursuant to the Examiner's request that a response to the Office Action be filed, requesting reinstatement of the appeal and referencing the telephone conference.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No.: 50-3479.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically transmitted via EFS-Web to the United States Patent and Trademark Office, on the date indicated below.

/Lawrence D. Maxwell/
Lawrence D. Maxwell, Reg. No. 35,2

January 31, 2008
Date

In the above-referenced telephone conference, Applicants' representative suggested that it was improper to issue an Office Action following an Appeal Brief, in which the Office Action neither contained a new ground of rejection nor indicated that prosecution was being reopened (indeed, the Office Action does not mention the appeal at all). According to MPEP § 1207.04, "[t]he examiner may, with approval from the supervisory patent examiner, reopen prosecution to enter a new ground of rejection after appellant's brief or reply brief has been filed." In the present case, the Office Action contains no new grounds of rejection. As evidenced by the filing of the Appeal Brief, Applicants wish to appeal the rejections to the Board, not continue prosecution before the Examiner. Accordingly, it is respectfully submitted that the Office Action was improper and respectfully requested that the appeal be allowed to proceed or be reinstated.

Should the Examiner have any comments regarding this Response, it is respectfully requested that the Examiner telephone Applicants' undersigned representative.

Respectfully submitted,

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